

**Amendments to the Drawings:**

The attached one (1) new sheet of drawings includes new FIG. 7 corresponding to FIG. 2 and illustrating the spring element with the fluid medium as recited in claim 17.

Attachment: One (1) new sheet of drawings (FIG. 7)

### REMARKS/ARGUMENTS

The claims are 1-18, which have been amended to improve their form and to delete reference numerals. In addition, claims 7-9 and 18 have been amended to depend on claim 5. New FIG. 7 has been added showing the spring with the fluid medium as recited in claim 17, and the specification has been amended to refer to the new drawing figure. Applicant also herewith submits a Terminal Disclaimer. Reconsideration is expressly requested.

The drawings were objected to under 37 C.F.R. 1.83(a) as failing to show the spring having a fluid medium recited in claim 17. In response, Applicant has added new FIG. 7 based on original FIG. 2 showing pneumatic cylinder operated spring 2' with fluid medium or pneumatic element P as recited in claim 17, and the specification has been amended to refer to new FIG. 7. It is respectfully submitted that the foregoing amendments and the new sheet of drawings overcomes the objection of the Examiner under 37 C.F.R. 1.83(a), and Applicant respectfully requests that the objection to the drawings be withdrawn.

Claims 1-18 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In response, Applicant has amended claims 1-18 to improve their form, and claims 7-9 and 18

have been amended to depend on claim 5. It is respectfully submitted that all currently pending claims fully comply with 35 U.S.C. 112, second paragraph, and Applicant respectfully requests that the rejection on this basis be withdrawn as well.

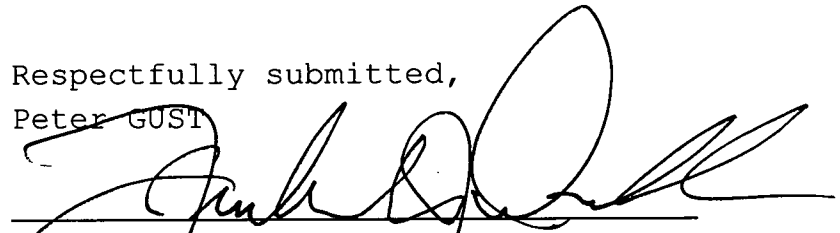
Claims 1-18 were provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application Serial No. 10/573,106, which is now issued as U.S. Patent No. 7,552,789. In response, Applicant herewith submits a Terminal Disclaimer with respect to U.S. Patent No. 7,552,789, thereby obviating the double patenting rejection.

As the Examiner has indicated that claims 1-18 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in the Office Action, which it is respectfully submitted Applicant has overcome by the amendments herein, and as the double patenting rejection has been overcome by the submission herewith of a Terminal Disclaimer, it is respectfully submitted that the application is now in condition for allowance.

In summary, claims 1-18 have been amended, along with the specification, and new FIG. 7 has been added. In addition, a Terminal Disclaimer and a check in the amount of \$70.00 in payment of the Terminal Disclaimer fee are enclosed. In view of the foregoing, it is respectfully requested that the claims be allowed and that this application be passed to issue.

Applicant also submits herewith a Second Supplemental Information Disclosure Statement.

Respectfully submitted,  
Peter GUST



Frederick J. Dorchak, Reg. No.29,298  
Edward R. Freedman, Reg. No.26,048  
Attorneys for Applicant

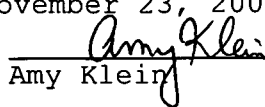
COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576  
(516) 365-9802

FJD:cmm

Enclosures:

Appendix with one (1) new sheet of drawings (FIG. 7)  
Second Supplemental Information Disclosure Statement  
Form PTO-1449 with two (2) references  
Check in the amount of \$180.00  
Terminal Disclaimer with check in the amount of \$70.00

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 23, 2009.



Amy Klein

R:\Patents\GIGUST-2 PCT\Amendment in Response to First OA.wpd

# APPENDIX